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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,913

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Keijo Laiho

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11/17/2008

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER

THIER, MICHAEL

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

11/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,913	Applicant(s) LAIHO ET AL.	
	Examiner MICHAEL T. THIER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6 and 9-11 is/are allowed.
- 6) ☒ Claim(s) 7 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/8/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 7 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 7 and 12 are objected to because of the following informalities: Claims 7 and 12 call for the idea of "...multiplexing/mixing the intercepted forward and reverse channel data onto..." (emphasis added) The examiner would like to note that prior to this limitation, the claim merely recites "...intercepting forward or reverse channel data..." (emphasis added) If the claimed invention were to only intercept either the forward or reverse data (as the claim limits the invention to do so), the multiplexing would not be required and it would merely be the single data being transmitted on the forward channel of the second multimedia call. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen et al. (EP 1389862) in view of Vayanos et al. (US 6847623).

Regarding claims 7 and 12. Shen teaches a method and apparatus of performing lawful interception of a first multimedia call between first and second terminals (title, abstract and figure 2), the method comprising:

detecting the initiation of the first multimedia call at monitoring equipment located in the a call path of the first multimedia call (figure 2, i.e. the interception proxy and RTP proxy combination shown inside the dotted lines of figure 2, and see par. 4 and 50, i.e. the device detects information being transmitted between two IP parties, further see the end of par. 4 which explains the calls can be data, internet access, video, real-time pictures, etc, which read on multimedia calls, further see par. 19 which explains the use of multimedia in SIP);

forwarding from the monitoring equipment to a gateway, parameters defining at least one of the a forward channel and a reverse channel of said the first multimedia call (par. 50, i.e. the lawful interception device may be a media gateway controller (MGC), and generates instructions for the RTP proxy to create channels, thus reading on forwarding parameters defining at least one of the forward and reverse channel of the

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multimedia call from the monitoring equipment to the gateway since the MGC tells the RTP to create specific channels to bypass the media stream to be intercepted, further see par. 54 lines 8-13 which specifically explains the parameters being forwarded to the gateway);

emulating a multimedia terminal at said gateway (par. 53 lines 52-58, further see par. 55, lines 30-34) and setting up a second multimedia call between the emulated terminal and a monitoring terminal (par. 53 lines 52-54), said gateway performing the complete media control protocol transactions with the monitoring terminal based upon the received parameters and wherein said gateway maps protocols utilized in the first multimedia call to protocols used in the second multimedia call (par. 53 lines 52-54 and par. 55, i.e. the first terminal will send data which will be received by the RTP and then sent from the RTP to the second terminal, thus the device maps the data from the first channel (i.e. the first multimedia call) to the second channel (i.e. second multimedia call). Shen does not specifically disclose that the complete media control is performed at the gateway, however he explains in par. 50, that the interception device can be a Media Gateway Controller, and thus the media control is understood to be performed at a gateway.); and

following the initiation of the first multimedia call, intercepting forward or reverse channel data at said monitoring equipment (par. 55, lines 28-30), routing the intercepted data to said gateway (par. 21, i.e. redirection services, and par. 50, creating bypass channels to intercept media streams), and transmitting the data to the monitoring terminal over the forward channel of the second multimedia call (par. 53 lines 52-54).

Although Shen discloses the idea of transmitting data over the forward channel of the second multimedia call (as explained above), he does not specifically disclose the idea of multiplexing forward and reverse channel data onto the forward channel of the second multimedia call. The examiner would like to note that this limitation merely reads as if the intercepted forward and reverse channel data is mixed and transmitted on a single forward channel. This idea is obvious and well known in the art, and would have been obvious to one of ordinary skill in the art. This would allow for only needing one channel to perform the transmission of the intercepted data. In any even the examiner has provided the following reference and explanation.

Vayanos teaches a method and apparatus for allocating data streams onto a single channel (title and abstract). He clearly teaches the idea of taking multiple data streams (such as the forward and reverse data streams from Shen) and multiplexing them onto a single channel (abstract, column 1 lines 49-51, and column 9 lines 20-22).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Vayanos with the teachings as in Shen. The motivation for doing so would have been for an improved method for allocating a plurality of data streams onto a single channel (Vayanos column 1 lines 8-11).

Allowable Subject Matter

6. Claims 1, 3-6, and 9-11 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach a method and apparatus for performing

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lawful interception of a first multimedia call between first and second terminals, comprising, detecting the initiation of the first multimedia call, forwarding parameters defining at least one forward channel and reverse channel of the first multimedia call, emulating a multimedia terminal at said gateway and setting up a second multimedia call between the emulated terminal and a monitoring terminal, following the initiation of the first multimedia call, intercepting forward or reverse channel data at said monitoring equipment, wherein the second multimedia call includes a first gateway call and a second gateway call, and the step of transmitting the data includes forwarding channel data from the intercepted call on a forward channel of the first gateway call and reverse channel data on a forward channel of the second gateway call, as substantially described in independent claims 1 and 11. These limitations, in combination with the remaining limitations of claims 1 and 11, are not taught nor suggested by the prior art of record. Dependent claims 3-6 and 9-10 depend from claim 1 and are therefore allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is

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(571) 272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T THIER/
Examiner, Art Unit 2617
11/10/08

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617

12-Nov-08